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Attorney's Docket 080237-0268771
Client Reference: 1144024/DV/MB

OCT 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
RUDOLF RITTER

Confirmation No: 2038

Application No.: 09/530,570

Group Art Unit: 3627

Filed: May 3, 2000

Examiner: S. McAllister

Title: BILLING METHOD IN A TELECOMMUNICATION SYSTEM

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

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Response to Restriction Requirement

PILLSBURY WINTHROP LLP



GLENN T. BARRETT
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**Date: October 20, 2004
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(Certification of Facsimile Transmission—page 1)

Attorney Docket: 060237-0268771
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated September 21, 2004, Applicant hereby provisionally elects the invention of Group I, claims 1-5 and 7-15. This election is made with traverse.

It is respectfully submitted that the subject matter of the Groups I and II is sufficiently related that a thorough search and examination for Group I would necessarily encompass the search and examination of Group II. Group I is directed to a billing method for a user of a SIM card and Group II is directed to a SIM card. MPEP §803 states "If the search and examination of entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Here the search and examination of the entire application can clearly be made without serious burden as evidenced by the September 2001 Office Action issued by the Examiner that addresses all of the claims in the application.

In addition, MPEP §803 states that there are two criteria for a proper requirement for restriction between patentable distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if restriction is required. It is respectfully submitted that the search and examination has already been made by the Examiner without serious burden and that the criteria for a proper requirement set forth in MPEP §803 has not been met and that the requirement is improper and must be withdrawn.

10-20-04

11:18 From: PILLSBURY WINTHROP

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T-986 P.003/003 F-729

RITTER -- 09/530,570
Client/Matter: 060237-0268771

It is respectfully submitted that the Restriction Requirement should be withdrawn in order to avoid duplicative examination by the Patent Office and unnecessary expense to Applicant. A prompt and favorable action on the merits is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



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